



SBE Meeting Highlights

A summary of key actions by the California State Board of Education March 2002

SBE Takes Action on Charter Schools

The State Board of Education unanimously approved recommendations from the Board's Charter School Advisory Commission and California Department of Education staff to reduce by 5% the average-daily-attendance funding for nonclassroom-based instruction at 46 charter schools statewide. Funding requests by another 44 schools were recommended for full funding and were approved by the Board.

The Board, however, found that 25 other schools did not submit "substantially complete" requests by the statutory deadline of February 13, prohibiting these schools from receiving automatic approval for 2001-02. Recommendations on those requests will be reported to the State Board at its April meeting, which is set for April 24-25.

Under SB 740, approved by the Legislature and signed into law last year by Gov. Gray Davis, the Board has the authority to reduce funding to charter schools where students are not in class 80 percent of the school day. At charter schools where that 80 percent threshold is not met, officials at those schools must submit a request for "determination of funding" to receive ADA funding for pupils receiving nonclassroom-based instruction, such as independent study, home study, work study, and distance and computer-based learning. Without an approved determination of funding, a charter school will receive no funding for its nonclassroom-based ADA.

The Board in January approved emergency regulations that specify that determination of funding requests for 2001-02 will be approved either at the 100 percent level or at the 95 percent level, in line with SB 740's requirement that in 2001-02 the amount of funding shall not be less than 90 percent of the unadjusted amount to which a charter school would otherwise be entitled on the basis of average daily attendance. For the 2002-03 fiscal year, the amount of funding shall not be more than 80 percent of the unadjusted amount to which a charter school would otherwise be entitled, although the Board can determine that a greater or lesser amount is appropriate.

Proposed English Learner Regulations Clarified

The State Board once again took action to ensure that the parents of California's 1.5 million English learners are able to fully exercise their rights to parental exception waivers under Proposition 227.

The SBE made changes to proposed, draft English learner regulations, clarifying the following:

- That the written consent of the parents seeking a waiver under Proposition 227 must be made annually at the school site, as required by Proposition 227;
- That schools only need to operate an alternative program if there are 20 or more students who receive a waiver at a given grade level;
- Teachers may recommend an alternative program to the parents as set forth in Proposition 227, but parents still must go to the school site to seek a waiver.

SBE Highlights, March 2002

Page 2

Last month, the Board added a section to the regulations, Section 11316, to ensure that the notices required by the regulations comply with current *Education Code* section 48985, which requires that notices to parents or guardians be in the primary language if 15 percent or more of the pupils enrolled in the school speak a single primary language other than English. This language previously had been in an earlier draft of the proposed regulations.

The regulations were sent out for an additional 15 days of public comment and are scheduled to be brought back to the Board for consideration of final adoption at the Board's April meeting, scheduled for April 24-25. Key provisions in the draft regulations are as follows:

Parental Exception Waivers

The section on parental exception waivers now contains these revisions:

- Clarifies that a pupil who has already been placed in an English language classroom for 30 school days to assess the pupil's special needs, and has received a special needs waiver and is enrolled in an alternative program, does not need to repeat this 30-day special needs assessment as long as the pupil is enrolled in the alternative program, and the parent has annually requested and received a waiver;
- Parents and guardians must be provided with a full, written description and upon request from a parent or guardian, a spoken description of the structured English immersion program and any alternative courses of study and all educational opportunities;
- Specifies that parental waiver requests shall not be denied solely on the grounds that the district or school does not have an alternative program;
- Provides procedural safeguards that apply under Proposition 227 if a principal or educational staff recommend a waiver request, including the mandate that parents be given written notice of their right to refuse to agree to the recommendation before such waiver is in effect;
- Clarifies that the parents/guardians must be informed of an appeal to the local governing board of the school district if the local board has established that appeals process, or to a court.

State law requires the California Department of Education, with the approval of the State Board, to establish procedures for the reclassification of a pupil from English learner to proficient in English. Below is a brief description of the proposed regulations:

Reclassification

- Specifies that the notice to parents include a description of the reclassification process and the notice of the opportunity of the parents to participate in the reclassification process;
- Clarifies the State Board's intent to establish a statewide empirically based range of performance in basic English/language arts skills as required by *Education Code* section 313(d)(4);
- Conforms to the language of *Education Code* section 313 requiring the state to establish procedures to be used for the reclassification of pupils;
- References the regulations adopted by the State Board for conducting the English language development test.

Preliminary 2001 Results for CELDT Released

The California English Language Development Test was given for the first time last year to the state's 1.5 million English Learners and preliminary results presented to the Board indicate a substantial number of English learners overall are candidates for possible reclassification to fluent English proficient -- about one in four.

In all, 1.2 million English learners took the CELDT last year as an annual assessment, with an additional 334,000 taking the exam for initial identification purposes. Data presented by CDE staff showed that of the 1.2 million English learners statewide who took the CELDT as annual assessment, 24 percent scored high enough to meet the criteria for review for possible reclassification to Fluent English Language Proficient or FEP. That percentage ranged from a low of 8 percent meeting reclassification criteria in grade 3 to 49 percent in grade 12.

"The percentage of students who have met this requirement for possible reclassification is quite a bit higher than the percentage of kids being reclassified up to now," noted Board Member Nancy Ichinaga. Indeed, in 2000-01, the number of students who were redesignated to FEP was 133,964, for a reclassification rate of 9 percent.

While the CELDT results are the primary indicator of a student's English proficiency, other criteria must be reviewed as required by current law before a student can be reclassified. The procedures by which an English learner is to be reclassified as English proficient are found in *Education Code* section 313, which, among other things, requires the State Board to use "multiple criteria" in determining whether to reclassify a pupil, including teacher and parental input, and a statewide range of performance standard for achievement in basic skills.

A statewide range of performance standard will be set as soon as CDE staff can take the CELDT data and correlate it with the English-language arts basic skills data from the Stanford 9 (SAT 9) nationally normed tests.

Mockler to Retire as SBE Executive Director

SBE Executive Director John Mockler will retire from his post effective April 3, concluding a more than two-year tenure during which the Board successfully completed landmark action, it was announced at the Board's March meeting.

Under Mockler's tenure as executive director, the Board adopted and maintained policies that maintained a clear commitment to the state's academic content standards. Among the highlights were the following: the historic adoption last January of Reading-Language Arts/English Language Development instructional materials that include specially designed instructional strategies to ensure English learners have equal access to the state's rigorous academic content standards; the launching of key initiatives and programs to boost professional development for teachers and principals on these standards and materials; the reauthorization of the state's Standardized Testing and Reporting (STAR) Program; and continued school achievement as measured by the Academic Performance Index, the annual statewide ranking of schools.

SBE Highlights, March 2002

Page 4

The Board authorized Board President Reed Hastings to negotiate conditions of employment and to employ Rick Brandsma to be the new executive director of the Board.

Brandsma currently is the chief operating officer of State Net, a leading provider of online information on legislative and regulatory activities of the 50 states and Congress. Before entering the private sector, Brandsma held a number of key positions with the Legislature. For eight years he served as the head program analyst for K-12 education in the office of Legislative Analyst A. Alan Post. In that capacity, he and his staff conducted an annual review of the CDE budget and presented recommendations for improved effectiveness and efficiencies to the Legislature's fiscal committees. In addition, Brandsma also served as the director of the Assembly Office of Research for three years, and also served as the Assembly's chief administrative officer.

Other Items of Interest

API: The State Board approved the integration of the California Standards Tests in Mathematics into the 2002 Base API in accordance with the recommendations of CDE staff, except to the extent that the recommendations involve performance standards (levels) for the California General Mathematics Standards Test and Integrated Mathematics Standards Tests, which have yet to be adopted. However, should the State Board adopt performance standards (levels) for the California General Mathematics Standards Test and Integrated Mathematics Standards Tests in time to effectuate the recommendations for the 2002 Base API, then the recommendations shall be implemented in full.

For more information contact the State Board of Education
721 Capitol Mall, Sacramento, CA 95814
Tel. 916.657.5478; Fax 916.653.7016
Web: <http://www.cde.ca.gov/board>